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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204473
Party	Plaintiff Pickin' Cotton Communications, LLC
Correspondence Address	MATT FOGARTY MD PICKIN' COTTON COMMUNICATIONS LLC 232 IVORY STREET LAFAYETTE, LA 70506 UNITED STATES mfogartymd@hotmail.com
Submission	Motion to Amend Pleading/Amended Pleading
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Date	04/01/2013
Attachments	Fratty - Ammended Notice of Opposition - Edmond Frette - 040113.pdf (6 pages)(26779 bytes)

**THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 79103520

Pickin' Cotton Communications , LLC

Index No.: 2012 - 002 - 040113

Petitioner,

- against -

Edmund Frette, S.A.R.L.

Applicant

Date: April 1, 2013

NOTICE OF OPPOSITION

AMENDED

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir or Madam:

Pickin' Cotton Communications, LLC a private limited liability corporation of Delaware, having offices located at 232 Ivory Street, Lafayette, LA 70506, represented by the authorized representative, Chief Financial Officer, Chief Operations Officer and majority owner Matt Fogarty, MD ("Petitioner") believes that it is damaged by the registration of Application Serial No. 79103520, EDMOND FRETTE and hereby files the amended NOTICE OF OPPOSITION in accordance with the TTAB order in Opposition proceeding 91204473.

The grounds for the opposition are as follows:

1. Pickin' Cotton Communications is a leading provider of fine and luxury apparel to fraternity brothers, sorority sisters, parents, children and siblings, relatives,

friends and admirer's of those who have attended college and university in the United States and internationally.

2. Pickin' Cotton Communications, it's owner's, family members, extended family and friends have been in businesses providing goods and services throughout southern United States, since and prior to the US Civil War in 1861.

3. Pickin' Cotton Communications is the owner of the FRATTY® Mark, a world renowned brand.

4. Pickin' Cotton Communications trademark FRATTY®, it's public association with fraternities and sororities at College & Universities across the United States and internationally, dating back to Harvard's inception in Boston Massachusetts in 1636, has acquired such public recognition and renown as to be famous in the context of likelihood of confusion.

5. Pickin' Cotton Communications trademark FRATTY® became famous prior to the filing date of applicant's application and requests extension of protection under Section 66(a) of the Trademark Act, 15 U.S.C. § 1141f(a)).

6. Pickin' Cotton Communications maintains online store(s) available to everyone who have access to the internet in major metropolitan cities, and rural areas throughout the United States and the world.

7. Pickin' Cotton Communications has a bona fide intention to use the trademark FRATTY ® exclusively and continuously for many items of apparel in class 25 since its date of first use, and requests extending the dilution statute to Section 44 application.

8. Based on its world-wide public recognition and renown, and use of its mark, FRATTY® mark is entitled to protection as a famous mark.

9. Pickin' Cotton Communications rights in its FRATTY® Mark are incontestable.

10. Upon information and belief, Applicant, Edmund Frette, S.A.R.L., a corporation organized and existing under the laws of LUXEMBOURG, and doing business at FRETTE S.P.A. CORPORATION ITALY 2, Avenue Charles de Gaulle Luxembourg LUXEMBOURG L1653, represented by the attorney of record, Jeffrey H. Kaufman, OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT LLP, 1940 DUKE STREET , ALEXANDRIA, VA 22314, UNITED STATES, is the applicant of United States Trademark Application Serial No. 79103520 for EDMOND FRETTE “apparel and other items” in International Class 25.

11. Applicants EDMOND FRETTE mark, Application Serial No. 79103520, was published for opposition February 28, 2012. Pickin' Cotton Communications filed a Notice of Opposition with the Trademark Trial & Appeals Board on March, 26, 2012.

12. There is no issue as to priority. On information and belief, Applicant has not used the EDMOND FRETTE mark in commerce for any goods or services.

13. Applicant's EDMOND FRETTE mark is similar to the FRATTY® Mark in sound, meaning and appearance.

14. Applicant's goods are related to the items of apparel on which Pickin' Cotton Communications uses and intends to use its FRATTY® Mark.

15. Applicant's use and registration of EDMOND FRETTE for the goods of the application herein opposed will likely cause confusion, mistake, or deceive consumers or members of the trade as to the source of sponsorship.

16. Applicant's use and registration of EDMOND FRETTE for the goods of the application herein opposed will likely dilute the distinctiveness of the FRATTY® Mark.

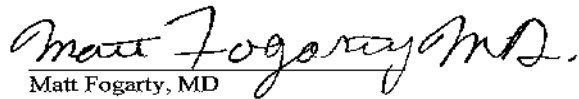
17. Applicant's use and registration of EDMOND FRETTE for the goods of the application herein opposed is deceptive, and misdescriptive of the character, quality, function, composition or use of the recited goods; prospective purchasers are likely to believe that the description actually describes the goods; and the misdescription is likely to affect a significant portion of the relevant consumers' decision to purchase.

18. By reason of the foregoing, Applicant's registration of EDMOND FRETTE for the goods of the application herein opposed would cause injury and damage to Pickin' Cotton Communications.

WHEREFORE, Opposer prays that its opposition be sustained and that Application Serial No. 79103520 be refused.

Please address all correspondence to Matt Fogarty, MD at the address below.

Respectfully Submitted,

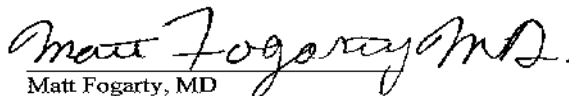

Matt Fogarty, MD

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2013, a copy of petitioner's amended NOTICE OF OPPOSITION has been served by US mail and email on Applicant's representatives:

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